

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Forrest <b>RHOADS</b> et al.	Art Unit: 2165
Application No.: 10/751,269	Examiner: Syed, Farhan M.
Filed: December 30, 2003	Confirmation No.: 9691
For: <b>KNOWLEDGE-MANAGEMENT SYSTEMS FOR LAW FIRMS</b>	

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF DONALD HAYDEN UNDER 37 C.F.R. § 1.132**

I, Donald Hayden, declare as follows:

1. I am a Product Manager for Thomson Reuters. Thomson Reuters is a business entity related to Thomson Reuters Global Resources GmbH, the Assignee of the above-identified patent application.
2. Among other things, I have been significantly involved with the development and implementation of a product called West km. West km is a software product that is designed for use principally by law firms or legal departments of companies, for example. More particularly, it is designed to help a law firm or legal department leverage its accumulated knowledge that is stored in the form of electronic memoranda and briefs. Put another way, this product is designed to help law firms and similar organizations with “knowledge management.” An example of a user manual for this software product is annexed to the specification of the above-referenced patent application.

3. Annexed to this Declaration are a series of case studies that summarize the experience of individual clients with the West km product. These case studies will be helpful for the Patent Office to understand how the West km product solves a long-felt, but unresolved need, in the art. Similarly, these case studies show that the success the West km product enjoys is a result of its technical features, particularly its emphasis toward legal subject matter.

4. Prior to the development of West km, law firms generally relied on document management systems, such as the PC DOCS or IManage systems, to control their documents and make work product available firm-wide. A goal of these systems was to help law firms with knowledge management. For example, these kinds of systems in theory would permit anyone at a law firm to go into the system and look, for example, for a memorandum on a topic of law. However, these document management systems have done little more than make it easier for a user to find documents that they have worked on in the past. Their ability to permit a user to cross-leverage the work product of other people is severely limited. In the words of one Thomson-Reuters customer, Downey Brand LLP:

In the past, the searching capability of the document management system was so limited that people used it primarily to access their own working documents. We had 800,000 documents indexed in our document management system but the attorneys couldn't find the knowledge they needed within that collection.<sup>1</sup>

In my experience, this is typical for institutions that have not adopted the West km product. Mr. Libby, of Downey Brand LLP, tried to solve this problem, and did not succeed:

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<sup>1</sup> Exh. 1 at 1, Downey Brand Case Study.

West km was appealing to Libby on many levels. He originally approached knowledge management 15 years ago, creating key term index databases for opinions and documents drafted by attorneys in an effort to make the information accessible to others. *“It was really an index to documents. I was reading documents and trying to pull key issues or subject matter so that someone could do a search that would find those documents based on legal issues. It took a tremendous amount of effort on my part to keep the system going, and it was very limited, and ultimately, very flawed.”<sup>2</sup>*

Once implementing the West km platform by careful selection of documents using the document vetting feature of West km, response at Downey Brand was overwhelming:

When West km was rolled out at Downey Brand, attorneys were offered a 30-minute training session to learn how to use it. Attendance at trainings and interest among the firm’s attorneys were unprecedented. “We had 98 or 99% participation,” says Mike Libby. “That was just unheard of. They were on fire.” Libby explains the ready acceptance of West km this way: “One of the key things that allowed our implementation to be so successful is that anyone in the firm can use this tool and they see it as helping them to do their jobs better.”

5. In one aspect, West km is desirable because it tailored for the legal field. As stated by another Thomson Reuters customer:

West km offers three things over anything else out there. It’s targeted for attorneys; provides a simple tool for research on your own internal documents; and it’s very easy to use.<sup>3</sup>

6. Baker Donelson also had a successful rollout of West km. Prior to West km, Baker Donelson was suffering from an inability to leverage its internal documents:

“The [document management system] platform we have certainly meets the goals of its primary purpose,” Williams said, “but it was lacking in the ability to provide effective and efficient search results. In the practice of law, time is money, and we are always cognizant of that fact. The more effective we can make the searching, the more money we are able to save for our clients.”<sup>4</sup>

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<sup>2</sup> Exh. 1 at 2 (emphasis added).

<sup>3</sup> Exh. 2; Rider Bennett case study.

<sup>4</sup> Exh. 3, Baker Donelson case study.

As with other customers, Baker Donelson chose West km:

Ultimately, we chose West km because it puts to use our firm's best work, regardless of the practice area, allowing us to increase our knowledge sharing and knowledge transfer...

"West km is the base of our knowledge management system," Williams explained. "It takes our volumes of documents – our intellectual capital – and unlocks the value of our work product and knowledge. It sits within our intranet and is highly integrated with our systems."<sup>5</sup>

In fact, prospective clients of Baker Donelson have even shown demand for the km product because they appreciate it can result in more efficient service:

"More and more, knowledge management is a requirement of new clients," Williams said. "It's a differentiating factor. Many client RFPs now contain specific questions or sections about the firm's KM capabilities and tools. They want to know how we are going to better use their money and our time. With West km and the way we have implemented it, we offer our clients much more in the way of knowledge management than other firms."

Baker Donelson, as with many other West km customers, have enjoyed commercial success because of the West km platform. That has provided commercial success to Thomson Reuters.

7. It seems that the benefits of the West km product scale with the size of the organization. ReedSmith LLP, a 3200+ attorney firm,

"The volume of data created and stored on our network is increasing at an extraordinary rate, making the KM task more difficult than ever before," he explained. "Law firms like ours that deal with complex litigation, cross-border disputes and crucial regulatory matters simply cannot overlook KM. Our people needed a better way to quickly access the information and needed to be as productive and efficient as possible to use that information to provide our clients with the best possible level of service."<sup>6</sup>

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<sup>5</sup> Exh. 3 at 1.

<sup>6</sup> Exh. 4, ReedSmith case study at 2.

ReedSmith has used West km to leverage its content in combination with another portal developed for the firm. Even so, the features of West km have proven to be the enabling factor for success:

“The integration of West km contextual enhancements into the already powerful search functions, as illustrated by the list of citations in the faceted areas (on the left of the screen) allows our attorneys to fine-tune their searches by specific criteria,” Tom explained. “West km’s unsurpassed expertise in citations makes this an invaluable element of the search.”<sup>7</sup>

ReedSmith’s experience shows that West km’s design of selecting, filtering and converting documents in to a markup language is valuable, particularly because it is geared to the legal field because it is integrated with legal citation filters. ReedSmith’s experience is that its employees have been adopting the West km tool:

“We’ve been tracking utilization of this tool, and we are getting thousands of searches a day,” Tom said, obviously pleased with the results. And when you look at the searches people run, oftentimes the first results they see are documents from West km. So, we are seeing a considerable uptick in terms of usage of metadata and content West km is generating on our work product. We are getting a much higher level of access and use than we ever had before.”

In my view, the users of West km at ReedSmith and elsewhere have adopted the system in their daily practice because of its technical features that make searching internal law firm content more useful.

8. In my experience, some attorneys even want West km after they have been familiarized with it but haven’t even used it. In association with the rollout at Keesal, Young and Logan:

“When we first presented the concept of West km to the attorneys in our firm their faces lit up,” said Justin Hectus, Director of Information at Keesal, Young and Logan. “They immediately realized it would be of significant value to their practice. West km will enhance our ability to

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<sup>7</sup> Exh. 4 at 5.

leverage existing firm work product, and the increased efficiencies will directly benefit our clients.”<sup>8</sup>

Keesal adopted West km and has benefited from it, as with so many other West km customers. Even within the first year of its release, West km was adopted by more than 75 of the world’s leading legal organizations, including law firms, corporate legal departments and government agencies. (Exh. 5 at 2).

9. The features of the West km product simply permit attorneys to save time and leverage knowledge, which is simply invaluable when time is limited. In the words of a partner at Greenberg Traurig LLP:

“There was an issue that I needed to research very specifically and I found what appeared to be a leading case on the issue. I was pleased to see the Greenberg Traurig logo pop up next to it. It was a memo that had been done elsewhere in the firm. It had the blessing of the updating that is included within the documents and I probably shaved a good two hours off of my research time – which would be a boon if I were sitting in my office. It was doubly so because I was working over vacation and able to finish a good chunk of the work in far less time.”<sup>9</sup>

As is shown again above, the basis for customer demand of the West km product is what it can do for attorneys.

10. I have been informed that the claims of the present application have been rejected as being obvious over what amount to patent search engines. There is simply nothing in a patent search engine that would lead one to develop a product such as West km. The two are in totally separate fields of endeavor that are essentially unrelated. This is because law firm documents, which typically include work product documents such as memos and briefs, are fundamentally different from patent documents. Work product documents include citations to legal authority, which are most typically citations to

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<sup>8</sup> Exh. 5, Keesal summary at 1-2.

<sup>9</sup> Exh. 6, Greenberg Traurig interview.

published legal decisions and statutes. Whether the content of a brief or memorandum is still useful or not to a practitioner will depend almost entirely on whether the legal authority cited therein has been overturned or modified. The West km engine takes those legal memoranda and briefs, and updates them automatically so a user can determine, essentially in real time, whether a memorandum includes good authority, or whether the authority needs to be updated. This is an invaluable feature of West km, and it is claimed in the pending claims of this patent application and is lauded by users of the product. (E.g., Exh. 6). Patents, on the other hand, sometimes cite other patents, but these documents are not considered to be internal legal work product. They are merely publicly available documents. Users do not do searches for patents to determine whether they cite current legal authority. Put another way, patent search engines are concerned with different goals and objectives than West km. Using a patent search engine reference to reject the instant application is without a sound logical basis, particularly since such a reference has no teaching as to how to build an engine that sorts through and updates law firm internal work product documents. There is nothing in the art that I am aware of to bridge the gap.

11. I am informed that, in order to be relevant, evidence supporting commercial success or solving a long felt need is only relevant if a connection can be established between the claims sought to be patented, and the basis for customer demand. I believe this to be the case in the present patent application. For example, Claims 10, 12, 13 and 22 reads as follows:

10. A method comprising providing an interface for an online legal research service, wherein the interface enables an authorized law firm user to view search results including both internal law-firm content including briefs, client correspondence, advisory opinions, or legal memoranda of the law firm and content of the online legal research service, wherein the search results are based on a single query submitted or initiated through the interface by the user, and wherein the internal law-firm content is generated by selectively converting documents retrieved from an internal law firm database into a markup language and then subsequently indexing the internal law-firm content based on citations and text to permit the internal law firm content to be searched and displayed on the interface.

12. A machine-readable medium comprising:  
one or more instructions for providing an interface for an online legal research service, wherein the interface enables an authorized law firm user to view search results including both internal law-firm information-system content including briefs, client correspondence, advisory opinions, or legal memoranda and content of the online legal research service, wherein the search results are based on a single query initiated through the interface by the user, and wherein the internal law-firm information-system content is generated by selectively converting documents retrieved from an internal law firm database into a markup language and subsequently indexing the internal law-firm information-system content based on citations and text to permit the internal law-firm information-system content to be searched and displayed on the interface.

13. A browser-compatible user interface for an online legal research service, wherein the user interface is implemented using at least one processor and memory, and enables a user at a law firm workstation within a law firm firewall to access internal law firm work product documents stored in a law-firm information-management system and external case law documents of the online legal research service by initiating or submitting a single query via the interface, wherein the internal law firm work product documents are generated by selectively converting documents retrieved from an internal law firm database into a markup language and subsequently indexing the internal law firm work product documents based on citations and text to permit the internal law firm work product documents to be searched and displayed on the user interface.

22. A computer system comprising:

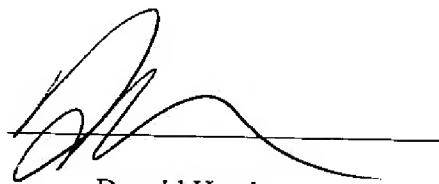
- a) means for receiving a query from agents of a law firm;
- b) means, responsive to the received query, for searching at least first and second physical or logical databases for content related to the query, with the first database including:
  - (i) a set of work-product documents of the law firm generated by retrieving documents selected from a third database containing work product documents, wherein the retrieved work product documents are converted into a markup language and subsequently indexed based on citations and text to permit the work product documents to be searched by the searching means; and
  - (ii) the second database including non-work-product documents of the law firm.

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The above claims encapsulate features of the West km product that have been the basis for customer demand, as illustrated by customers in their own words in the Exhibits to this Declaration. The combination of these features is what enables law firms, corporate legal departments, and government agencies to leverage the content millions of internal documents (that cost hundreds of millions of dollars to produce). The net result is being able to complete work in less time. This saves money in the end and helps our clients to work more efficiently, making them more competitive.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing from this patent application.

September 17, 2010



Donald Hayden

## **EXHIBIT 1**

“One of the key things that allowed our implementation to be so successful is that anyone in the firm can use this tool and they see it as helping them to do their jobs better.”

— Mike Libby, IS Director



Downey Brand opened their first office in Sacramento in 1926. Today they have 118 attorneys practicing in 25 areas of law focusing on business, litigation, and natural resources. They are Sacramento's largest law firm, serving clients from regional offices in Stockton, South Placer, and Reno.

### The choice

Mike Libby, IS Director at Downey Brand, has a passion for knowledge management. He was immediately intrigued when he was introduced to West km®. The firm had a fairly standard document management system at the time that had been in place for several years, but the problem with the system according to Libby was that document types were poorly defined. “In the past, the searching capability of the document management system was so limited that people used it primarily to access their own working documents. We had 800,000 documents indexed in our document management system but the attorneys couldn't find the knowledge they needed within that collection.”

West km was appealing to Libby on many levels. He originally approached knowledge management 15 years ago, creating key term index databases for opinions and documents drafted by attorneys in an effort to make the information accessible to others. "It was really an index to documents. I was reading documents and trying to pull key issues or subject matter so that someone could do a search that would find those documents based on legal issues. It took a tremendous amount of effort on my part to keep the system going, and it was very limited, and ultimately, very flawed."

Compared to other knowledge management products, Libby was most impressed with West km, especially the fact that West km had a solid and satisfied user base at Downey Brand.

West km is specifically designed for law firms to increase knowledge sharing by combining access to an organization's collection of work product and leveraging their document management system (DMS) and Westlaw® research.

### The process

The firm formed a knowledge management committee, including partners, associates, and staff. While the group unanimously agreed that knowledge management was important, they also agreed there was a disconnect between making a plan for knowledge management and actually effectuating change at the firm. Betty Barth, IS Manager, articulated the disconnect saying, "how do you get attorneys to actively participate in making sure the documents they're putting together are exemplar documents, and who is going to be in charge of researching that the caselaw contained within the documents is current?"

Barth believed that to get attorneys to use a knowledge management system, it had to be presented in a familiar and comfortable format. "That's why I really liked West km because even if they weren't going to initially buy into the concept of doing a West km search, any time they would be in a Westlaw database and see the Downey Brand icons, it would remind them that we have these very same documents referencing those cases and statutes right here in Downey Brand."

Downey Brand started with the West km for Litigation module. It incorporates familiar West features such as the KeySearch® taxonomy and KeyCite®, West's powerful citation research service, to search internal documents from the firm, as well as publicly available information on Westlaw. It didn't take long, however, before the attorneys were clamoring for other West km modules.

"After the successful West km Litigation rollout, we set up a demo of West km Transactions and Deal Proof® for a large group of transactional attorneys," says Barth, "and one of the attorneys got excited and yelled, 'Here's my credit card! How soon can we get it?' The attorneys had never seen anything like it."

### Vetting

Before any real knowledge sharing could happen at Downey Brand, Mike Libby knew that the document management system had to be reorganized using the West km Vetting Toolkit.

The West km Vetting Toolkit fine-tunes the selection of documents from an organization's document management system (DMS) before indexing them in West km for Litigation or West km for Transactions. Rules define which documents should be included, as well as which should be excluded, by identifying documents using profile attributes or full-text searching. The number of unwanted, or noise, documents is thereby reduced, ensuring that only appropriate documents are selected.

Downey Brand wanted to be closely involved in the implementation process. They worked with West km representatives to thoroughly understand the vetting process and fine-tune rules. "We made several passes through our whole document system starting from the least important type of document to the most important type of document," explains Libby. "The idea was to end up with a few document types that had high potential of containing knowledge. And then we narrowed it down even further."

"All our work paid off," affirms Barth. "We came up with an amazing set of documents, and then we tested it with a pilot group and had very few problems. Once we sorted out the

shopping lists for Saturday night's big dinner party, soccer team rosters, fax covers – that sort of thing – we were delivering nothing but quality documents."

### Training and implementation

When West km was rolled out at Downey Brand, attorneys were offered a 30-minute training session to learn how to use it. Attendance at trainings and interest among the firm's attorneys were unprecedented. "We had 98 or 99% participation," says Mike Libby. "That was just unheard of. They were on fire." Libby explains the ready acceptance of West km this way: "One of the key things that allowed our implementation to be so successful is that anyone in the firm can use this tool and they see it as helping them to do their jobs better."

West km training is now part of new user orientation. "New associates ask about getting access to West km before they even know where their offices are," laughs Libby.

### Next steps, new dreams

Mike Libby's passion for knowledge management has not abated. He is exploring avenues to use West km in creative ways above and beyond what Downey Brand bought it to do.

When a litigation partner at the firm approached Libby with the idea of accessing publicly accessible legal research documents from a particular Internet Web site which did not provide robust searching capabilities, Libby was intrigued. His team was able to grab a copy of the documents from the external Web site and then import those documents into a custom West km database. Now these valuable documents are easily accessible using West km's rich and familiar searching capabilities.

Another innovative documents collection was created at the behest of the Energy Law Practice Group at Downey Brand. Libby created the California Public Utilities Commission (CPUC) final rulings and resolutions database. From West km, users can now access CPUC documents in a manner substantially better than that available on the CPUC Web site.

Even more recently West km was used to create an expert witness database at the firm so users can search West km for expert witness CVs, depositions, and reports.

Libby sums it up, "West km really had the potential of satisfying what I was looking for. It ended up giving me what I had always dreamed of and now I'm just starting to come up with new dreams."

### For more information

Visit [west.thomson.com/westkm](http://west.thomson.com/westkm) to find:

- product demos
- brochures
- more case studies and white papers
- system requirements
- and more



Or contact your West representative.

## **EXHIBIT 2**



JAMIE BLOMQUIST

Information Systems Manager, Rider Bennett

**Jamie Blomquist** is the information systems Manager at Rider Bennett, a 130 attorney full-service law firm based in Minneapolis, Minnesota.

#### Describe your role in pursuing a knowledge management strategy.

As the information systems manager, I am responsible for the implementation of knowledge management at our firm. We have been working on this for about a year now. We have a steering committee that includes the managing partner, the chief operating officer, and myself. We have been working on the system architecture, the business requirements, and the overall strategy. We have also been working on the implementation of the system, which is currently in progress.

#### How daunting is it to implement knowledge management at a firm?

It can be daunting, but it is also very rewarding. We have been working on this for a long time, and we have made significant progress. We have identified the key areas that need to be addressed, and we have developed a plan to address them. We have also developed a system architecture that will allow us to implement the system in a timely manner. We are currently in the process of implementing the system, and we are making good progress.

#### How valuable is it to be able to install a product that requires little specialized training from your department?

It is very valuable. We have been able to install the system without requiring a lot of specialized training from our department. This has allowed us to implement the system quickly and efficiently. We have also been able to train our staff on the system, which has helped us to get up and running quickly. We are very satisfied with the system and the way it has been implemented.

#### Are you satisfied with the security of the system?

We are very satisfied with the security of the system. We have taken several steps to ensure that the system is secure. We have implemented a strong password policy, we have encrypted all data, and we have implemented a backup system. We have also implemented a system that allows us to monitor the system for any suspicious activity. We are confident that the system is secure and that our data is safe.

#### Why choose West km versus other products in the market?

We chose West km because it is a reliable and efficient system. We have been using the system for a long time, and we have been very satisfied with it. We have also found that the system is easy to use and understand. We have been able to implement the system quickly and efficiently, which has helped us to get up and running quickly. We are very satisfied with the system and the way it has been implemented.

For more information, call 1-800-937-8529 or visit [west.thomson.com/westkm](http://west.thomson.com/westkm)

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## **EXHIBIT 3**

# SUCCESSFUL KM ADOPTION DRIVEN BY CLIENT SERVICE FOCUS

CASE STUDY

## BAKER, DONELSON BEARMAN, CALDWELL & BERKOWITZ, PC

### Successful KM

When Meredith Williams accepted the role of director of knowledge management for the global firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, two years ago, she was well aware of the task that lay before her. She joined the full-process litigation and transactional law firm seven years ago as a knowledge management attorney and has watched it grow. In 2007, Baker Donelson was ranked by *The National Law Journal* as one of the 100 largest firms in the country.

Through strategic acquisitions over its 120-year history, the firm has expanded to include more than 540 attorneys who operate from 16 offices in the southeastern United States, London and Beijing. With each acquisition, so grew the number of work products as well as the difficulty in accessing them. The firm's document management system (DMS) currently manages more than 10 million documents accessible by attorneys and paralegals across its five practice groups – Advocacy, Business, Health Law, Public Policy and Labor & Employment Law.

"The DMS platform we have certainly meets the goals of its primary purpose," Williams said, "but it was lacking in the ability to provide effective and efficient search results. In the practice of law, time is money, and we are always cognizant of that fact. The more effective we can make the searching, the more money we are able to save for our clients."

Working with the firm's librarian and its information technology team, Williams began to source solutions for the problem. The firm needed to find a way to deliver research services more effectively and efficiently while keeping the overhead costs down. It didn't take long for them to find the answer. In early 2004, Baker Donelson installed West km® for Litigation, followed in mid-2006 by West km for Transactions.

"Ultimately, we chose West km because it puts to use our firm's best work, regardless of the practice area, allowing us to increase our knowledge sharing and knowledge transfer," she said. "It's also very easy to use. Virtually every attorney learns Westlaw® in law school. And if you know how to use Westlaw, you know how to use West km."

### Technology applied to best thinking

West km is a knowledge management solution that leverages Westlaw indexing and search technologies to a firm's best thinking and expertise, represented in the firm's content collection. It is designed to further knowledge sharing by combining access to a firm's work product collection with Westlaw research. Installed on-site and safely behind the organization's firewall, West km integrates with the organization's DMS or stand-alone document collection. Users quickly find relevant documents and gain insight and understanding from both internal and external knowledge and expertise. Just over two million of Baker Donelson's 10 million documents are tagged for use with West km, which the product does automatically.

"West km is the base of our knowledge management system," Williams explained. "It takes our volumes of documents – our intellectual capital – and unlocks the value of our work product and knowledge. It sits within our intranet and is highly integrated with our systems."

So integrated is the service, in fact, that it has its own brand – BakerKM. With a background in accounting and law, Williams sought expertise and collaboration from the marketing and business development group to develop the brand as well as a plan for adoption of all Baker Donelson knowledge management products.

"We understood the value of West km and its ease of use," Williams explained, "but we needed to identify the best ways to integrate the service. We knew we had to ensure adoption by our attorney and paralegal teams in all of our offices to reap the ultimate benefit of West km – improved client service. The way we do it is to market BakerKM – every single day, all day long."

*"Ultimately, we chose West km because it puts to use our firm's best work, regardless of the practice area, allowing us to increase our knowledge sharing and knowledge transfer..."*

Meredith Williams,  
Director of Knowledge Management,  
Baker, Donelson,  
Bearman, Caldwell & Berkowitz, PC



THOMSON REUTERS

# BAKERKM

*"For us, it starts with pre-rollout communications from the top and a great deal of support from the practice management."*

## A brand with a plan

With just one other full-time attorney, a full-time legal secretary and a part-time paralegal, Williams and her team of three put the marketing plan into action, and with enthusiasm keep it alive.

In addition to promoting the BakerKM brand, the logo of which is produced on everything from pens and notepads to mugs and thumb drives, the plan calls for an extensive rollout to all 16 offices for any new knowledge management initiative. Williams travels to each of the offices at least once a year, and she and her team conduct ongoing training through the use of webinars as well as site visits for events and trainings as requested.

The rollout plan was implemented for the launch of West km for Transactions at the firm, as well as for subsequent upgrades and enhancements to West km services. "If you don't have a successful rollout, you'll never get the adoption you are looking for," noted Williams. "For us, it starts with pre-rollout communications from the top and a great deal of support from the practice management."

Staggered e-mail communications from the chief executive officer, chief information officer and office managing shareholder begin three weeks prior to Williams' arrival at each office before a launch. Posters around the office – of course branded with BakerKM – tout fixes for current pain points and hot new features. Practice chairs and office administrators serve as training advocates, promoting the launch meetings and encouraging attendance to attorneys in casual conversations and formal meetings.

"The practice chairs and administrators help to drive home the importance of the classes," said Williams. "They emphasize that the classes will teach the attorneys, paralegals and staff how to be more efficient, which saves the attorneys time and the clients money," she added.

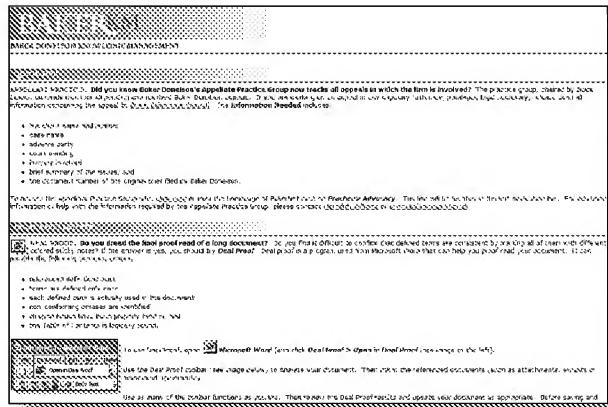
During the rollout or training week at an office, 45-minute classes are held throughout each day, including over breakfast, lunch and dinner. "We know they have to eat, so they might as well come listen to a class to make the most of their time," Williams said. "We also modify the classes based on team member focus. Each group – attorneys, paralegals and staff – needs to know primarily about specific material and features that are most relevant to their jobs, so the trainings are tailored accordingly."

The trainings feature giveaways and contests with prizes (like free Westlaw for a day) for increased engagement, and short one- or two-sided handouts, such as Top Ten Money-Saving Legal Research Tips, for takeaways. According to Williams, the attorneys appreciate the brevity of the handouts. If they were any longer, she said, they simply wouldn't read them.

Following the trainings, Williams and her staff return to the same office for a few days in the subsequent weeks for follow-up. "We hold a lot of one-on-one meetings and use promotional materials and games to incent the staff to continue to use the product," she said. "In general, we make ourselves available in case anyone has a question." With passion and the help of technology, Williams and her team, based in the firm's Memphis, Tenn., office, continue to support 16 offices on an ongoing basis throughout the year, averaging upwards of 10 hours of training a week. They train continually, and that, said Williams, is a key element of adoption.

"A successful rollout of any kind needs to be followed by ongoing training," she emphasized. "Not everyone can take 45 minutes to an hour to participate in a training class. I get that. I've billed time before. I can completely respect the billable hour. But if they can't give me an hour, they can give me five minutes. I can walk around and say, give me five minutes and let me show you how this can help you. And it's just a really pinpointed five minutes. You have to do that. If you don't, you've lost a lot of your audience."

## BakerKM training delivers value



The ongoing BakerKM training sessions conducted throughout the year by Meredith Williams, director of knowledge management, and her team at the firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, include everything from orientations to continuing education:

- Firm-wide orientations during the first two weeks of employment to learn efficient use of intranet, legal research and BakerKM
- Weekly two-hour online West km orientations
- Recorded five-minute webinars on a range of topics for viewing anytime
- Weekly Quick Classes on topics such as Advanced Searching, West km for Litigation, West km for Transactions, West km Deal Proof®, Client Matter Information (how to serve the client using the Client Service team intranet site), How Not to Charge Your Client for Research, and more
- Demonstrations at Practice and Industry team meetings, attorney or staff luncheons, and Paralegal Certification Programs
- Continuing legal education (clients' in-house counsel are invited)
- BakerKM Tip & Trick e-mails every three weeks, which promote a practice tip, an administration tip and a legal research tip, delivered in three brief paragraphs

## Teaching key elements of West km

When it comes to the actual training content for West km, Williams again keeps it concise and relevant. Her team demonstrates the traditional litigation Westlaw integration, but quickly moves onto showcasing the other workflow interfaces available, such as West km in Microsoft® Word and West km's integration into the firm's intranet.

In demonstrating West km for Litigation, the emphasis again moves from the traditional Westlaw approach into the KeySearch® and KeyCite® advantages. Each night, West km automatically classifies Baker Donelson's internal knowledge management candidate documents into the West KeySearch taxonomy, allowing for more precise results when searching for material on a particular legal topic. The KeyCite functionality allows users to search internal documents by cited reference and then, further, to determine whether a case, statute, administrative decision or federal regulation is good law. (Williams noted that as long as the user is searching the firm's internal DMS documents, Westlaw charges are not accrued.) Additionally, the West km Litigation Toolbar in Word, installed by the firm's IT department, allows users to insert, update, hide and delete KeyCite flags from documents as they are being drafted with the click of a button.



"Tagging the documents each night is an automatic process," Williams explained. "As new documents are created by the firm and profiled in our DMS, West km will crawl through those documents, using the West km Vetting Toolkit, to retrieve only those documents that truly qualify for knowledge management."

West km then automatically processes these documents for full text and KeyCite searches. The indexing further categorizes the document using a proprietary engine developed by West, so that the category chosen by the document creator isn't critical to the accuracy of the indexing.

When training on West km for Transactions, Williams stresses the user's ability to search an internal work product during the document-drafting process. "Coming from a transactional background, I really focus on this type of searching within our clauses and defined-terms libraries," she said. "If I am creating a document, and I want to find an example of good-faith clauses, all I have to do is click on the Transaction Toolbar in Word, type in 'good faith' in the search box, and it delivers the results directly in my Word window. I can drag and drop any of the text directly into my document, and it even automatically formats the typeface to match my document."



Another use of West km in Word on which users are trained is the Information Bridge Framework (IBF) system, developed by Baker Donelson with a third-party vendor (Handshake Software). The system essentially keys certain words as a document is being created. A search automatically is generated for the key words that are then highlighted. If a user clicks on a highlighted word, search results appear in a West km window, providing other samples and forms that may be essential or helpful in creating the document.

"It is actually thinking ahead for you," Williams said, "anticipating and predicting what you might need. That's when services are most valued."

## Intranet Integration

The enhanced value Baker Donelson derives from West km becomes even more evident when considering the service's further integration with the firm's intranet and features that make it an even greater part of a user's daily practice. "The three most important things at Baker Donelson are reading e-mail, drafting and saving documents, and accessing the intranet," Williams explained. "These three tasks touch all of our daily practices. We have to constantly integrate new tools and processes like West km into the daily practice so that it's virtually seamless.

"What we've done over the past few years is break apart West km as we have given more thought to how we can best utilize it at the firm," she added. "The one flavor of searching through our intranet didn't please everyone. There were certain pieces we wanted to pull out and provide to our users at very base levels."

Williams explained that each Practice and Industry team within the firm has its own intranet site. The sites offer a balance of internal and external information important to that group, such as clients, financials, current media coverage and more. Specific KeySearch topics relevant to the practice or industry are built into the team's intranet site. Attorneys and paralegals, who often are members of one or more practice or industry teams, have access to the topics directly from the respective intranet sites for automatic and easy searching.

"We actually go in and extract the URL strings for the key search topics," she said, "and embed them directly into the site. When the topic is searched, internal documents are pulled quickly and easily into that site. Again, we are anticipating the user's need."

*"It is actually thinking ahead for you," Williams said, "anticipating and predicting what you might need. That's when services are most valued."*

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- SEC Charges Meridian Companies and Individuals for Unproperly Receiving Millions in Capital While Making Investors Obligations Agreements in Advance to Receive Debt Securities
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- SEC Adopts Committee Votes Recommendation to Increase Financial Disclosure for Industries
- SEC Approves Rulemaking Agenda for August 4 Roundtable on Partnership of NPPS, U.S. GAO, CFTC, SEC and CBOE
- CBOE Actionable Risk Reporting System
- Commission Proposes Comment Period on Proposed Rule to Streamline Mutual Fund Disclosure

**New Matters (Last 14 days)**

Document Name	Open Date
[Redacted]	[Redacted]

**New People**

There are no items to show.

**WestKit Securities Key Search**

**Securities Law**

**Exchanges, Issuers, Registration, SEC**

**Securities Practice Guides**

**Item**

Changes in Accounting for Shares Subject to Restatement by Corporation (FAS 160)

**West Find and Print**

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*"More and more, knowledge management is a requirement of new clients," Williams said. "It's a differentiating factor."*

"We actually go in and extract the URL strings for the key search topics," she said, "and embed them directly into the site. When the topic is searched, internal documents are pulled quickly and easily into that site. Again, we are anticipating the user's need."

In addition to the Practice and Industry team sites, the firm's intranet is home to Client Service team sites. Since every client at Baker Donelson is supported by a team, the intranet site provides a central location for sharing all information related to a particular client. Similar to key topics on the practice and industry sites, on the Client Service team sites, KeySearch is limited by client matter number, so results are relevant only to that client.

"West km uses the same terms and connectors learned in law school to search internal client documents. We narrow the search by client-related documents, and the user further limits it by KeySearch term. It makes it very simple for them," Williams said, noting that the knowledge management team supports more than 250 Client Service teams. "Client sites can contain everything from financials, all cases, depositions, case law, research, blogs, calendars and more. Some are more in-depth than others, depending on client and team needs."

#### It's all about the client

Baker Donelson and Williams' customization of West km is done with a single goal in mind – bringing greater value to the client. "In a firm, being an attorney is all about the client and client service," she points out. "If you're not delivering that, if you're not giving them the best client service possible, you might as well go home."

To that end, Williams and her team are in a continual dialogue with attorneys, paralegals and staff who use the tools to assess their needs and learn how they can be improved. They not only meet with each new Client Service team and Practice and Industry teams to discuss their needs, but she more often than not sits at the table with C-level executives of prospective clients to demonstrate the firm's knowledge management capabilities.

"More and more, knowledge management is a requirement of new clients," Williams said. "It's a differentiating factor. Many client RFPs now contain specific questions or sections about the firm's KM capabilities and tools. They want to know how we are going to better use their money and our time. With West km and the way we have implemented it, we offer our clients much more in the way of knowledge management than other firms."



## **EXHIBIT 4**

# **WEST KM CASE STUDY**

# **REED SMITH**

WEST km WITH RECOMMIND

# REED SMITH

## WEST km WITH RECOMMIND

### THE NEW BEST-OF-BREED MAY NOT BE A SINGLE "BREED" AT ALL

Driven by a harsh economic climate and the increasing competition to do more with less, law firms are turning to the newest technologies to help preserve and drive business success. As expected, those in the firm responsible for implementing technology-enabled solutions push the envelope and drive innovation for the purpose of business growth. The problem arises, however, when attorneys find it difficult to adopt and embrace the many tools made available.

The aggregate amount of access points attorneys have into various systems can be daunting to say the least. At some firms, it can mean as many as 200 or more applications. Reported low usage of many of these tools only goes to prove that just because you build it, it doesn't mean they will come.

Many lawyers simply don't have or can't see their way clear to make the time for training, which results in slow to no adoption. Even after participating in a training session, a person's ability to fully utilize the system quickly diminishes unless it's a tool that is embedded in his or her everyday workflow, such as Microsoft® Word or Outlook®. Firms have come to realize if a tool isn't used shortly following a training session – and used often – attorneys soon forget about it. As the saying goes, "out of sight, out of mind" – and out of use.

The Knowledge Management team at Reed Smith, LLP, acknowledged this dilemma, but also fully recognized the importance for attorneys to have both broad and deep access to the information contained in those systems. These were the early steps in the development of Reed Smith's strategy to maximize adoption of its technology solutions.

### TRULY GLOBAL, TRULY IN NEED OF A SOLUTION

The by-product of the merger of essentially four law firms in six years, Reed Smith is not like some global U.S. law firms with outposts at various international locations. With London as its single biggest location for lawyer headcount and another 120 in Hong Kong, Reed Smith is one of the 15 largest law firms in the world. It boasts a broad, global network of more than 3,200 lawyers, paralegals, consultants and support staff in 22 offices throughout Europe, the United States, Asia and the Middle East, with over 40 percent of their lawyers outside the United States.

The firm generates a wealth of highly valuable information every day. Managing that data and ensuring the information can be easily and securely utilized throughout the firm became the challenge of Chief Knowledge Officer Tom Baldwin. He and his team of three, led by KM Director Lisa Gianakos, assessed, implemented and combined technology tools to increase efficiency, streamline processes and improve productivity for the firm's lawyers and, thereby, increase service to clients.

"The volume of data created and stored on our network is increasing at an extraordinary rate, making the KM task more difficult than ever before," he explained. "Law firms like ours that deal with complex litigation, cross-border disputes and crucial regulatory matters simply cannot overlook KM. Our people needed a better way to quickly access the information and needed to be as productive and efficient as possible to use that information to provide our clients with the best possible level of service."

A recognized leader in the technology field, Tom knew the legacy systems at Reed Smith had resulted in “silos” of data, such as documents, emails and other types of information, in various repositories with no over-arching search capability. Like other firms, many of the staff was not even aware of the existence of many of the tools. And if they were, it took a lot of time (and therefore money) searching with no guarantee the right information would be found. Tools requiring manual input of data also meant the data might not be up to date. These problems affected not only the attorneys, but also staff across all departments, including administration, marketing, human resources, finance and others.

### SERVING IT UP CONTEXTUALLY

To ensure the adoption of technology, Tom knew it needed to be made easier and more accessible across the firm. It needed a “face” and usability that made sense to everyone. So, Tom and his team began to identify information needs of users around the world based on three critical factors: role, practice group and office location.

In mid-2008, they interviewed more than 120 people throughout the firm in order to create personas to help them understand users’ various needs, from the partner in London in the real estate department to the paralegal in Los Angeles in the product liability department to the secretary in Hong Kong. The research set the stage for requirements for a dynamically driven role-oriented portal based on the intersection of three identifying factors of role, practice and office. XMLAW was selected in October 2008 to help implement this new portal, and five short months and a lot of long hours later, Reed Smith’s KM team delivered on the implementation of its portal strategy – ouRSpace.

“We didn’t expect the portal to replace power users going directly into systems,” he said, “but our goal was to serve up an easy way to access the most commonly used information in a more pedestrian fashion, understanding our average lawyer is going to use a lot of these services and tools in that manner. (Those who were interested could continue to go directly into a respective application.) That’s exactly what we accomplished – we’ve made the information more readily available and easier to get to than before.”

### BUILDING A BETTER PORTAL

Reed Smith started with Microsoft SharePoint®, customized with the help of XMLAW, technology experts seasoned at accelerating the implementation of SharePoint solutions for the legal industry.

“A lot of companies fall into the trap of thinking SharePoint is a turnkey solution you simply install and it will do everything you see in the demonstrations,” Tom commented. “The fact is, SharePoint is a powerful platform, but one that takes a significant amount of effort to make it work correctly for a law firm or any organization. Most firms, regardless of budget size or amount of IT support, will find the greatest implementation success with SharePoint if they seek the assistance of vendors with experience.

“XMLAW had already written the integration we needed – it had the security mapping and data structure for (Thomson) Elite® and a number of other applications, like iManage (from Interwoven) and (Thomson) ProLaw®,” he continued. “XMLAW was like the general contractor. But it also provided its own muscle. We brought in Recommind for searching, another vendor for the Silverlight video streaming piece, and Monochrome to do the interface design. But XMLAW executed on all that.”

### THE TECHNOLOGY TURDUCKEN

While the concept of using a portal to aggregate information for a law firm is not a novel idea, new and different implementations of the technology are giving some firms the edge. At Reed Smith, they took a unique approach to the search function. Harnessing the power of SharePoint, Reed Smith’s KM team folded in Recommind, an automated information management software that helps companies index, retrieve and categorize structured and unstructured information. Inside Recommind, they folded West km®. As Tom explained, the structure can be related to the holiday specialty of the chicken cooked inside the duck inside the turkey – known as a turducken.

Reed Smith was one of the first firms to launch West km and is now using the new Version 4 of the product. Innovation continues to flourish at Reed Smith, as it is the first firm known to have implemented the combination of SharePoint, Recomind and West km. The firm knows well West km's ability to bring the power of Westlaw® behind its firewall to automatically collect, organize and enhance their internal work product for precise retrieval and reuse by their Litigation as well as Transactional attorneys. At the same time, Reed Smith recognized West km as a valuable component to its SharePoint/Recomind strategy. Returning West km's enhanced content through the SharePoint/Recomind portal would not only increase the visibility and usability of West km, but also would increase the value of the searches being returned by SharePoint/Recomind.

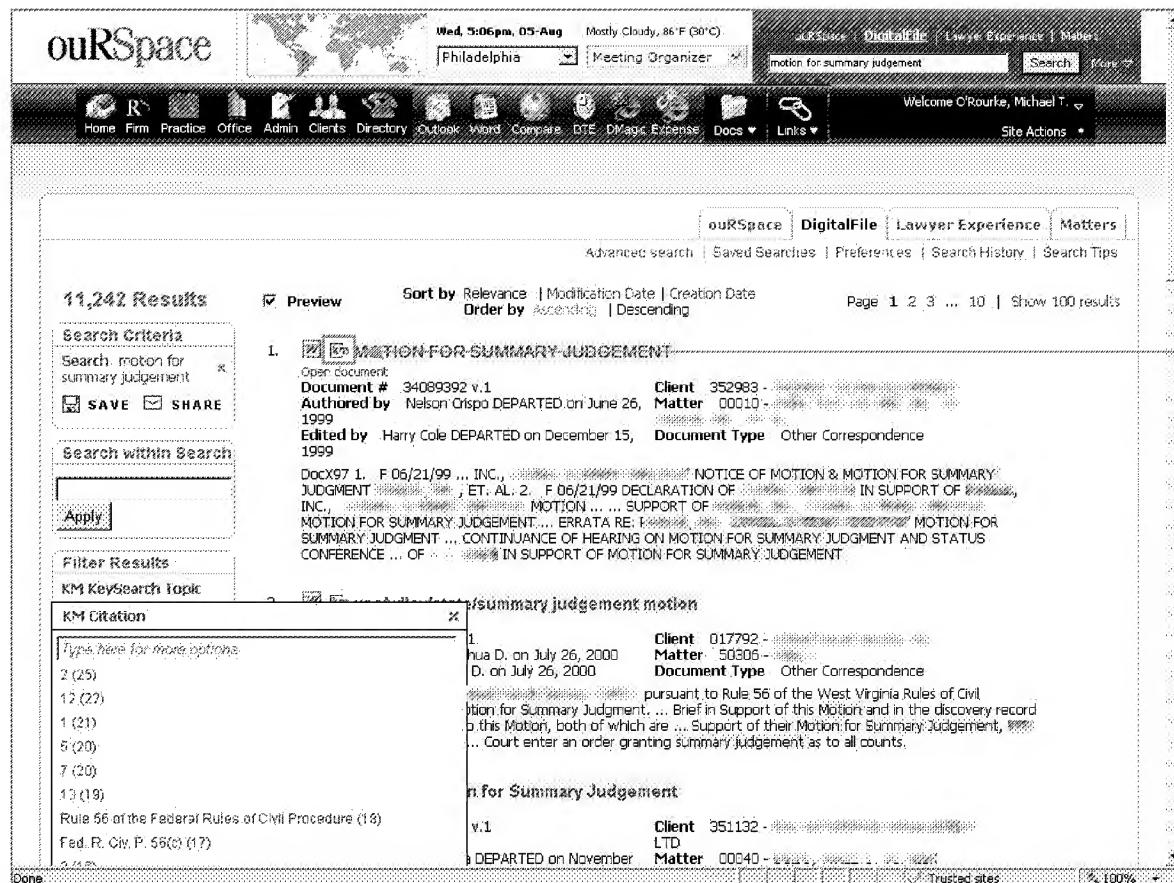
At Reed Smith's request, Recomind and Thomson Reuters agreed to collaborate on the integration of MindServer Search with West km. The resulting functionality allows users to conduct all portal searches of Reed Smith's document management system, DigitalFile, from a single search window in the portal.

"We wanted a holistic approach to accessing and serving up information via the portal," Tom said, explaining they wanted SharePoint to be the "front end" for Recomind and for Recomind to be the "front end" for West km; so users would be able to run a search without needing to know which application they were using. "By virtue of those tools being there, users could gain access to everything under one roof without having to know where to go to get these separate systems."

"That was very important to us," he added, "because we value the content West km provides. We value the functionality it gives our lawyers, and we wanted to maximize its usage and adoption."

## GOOD SEARCHING MADE BETTER WITH ENHANCED CONTENT

West km integration with portal technology, whether within a system such as SharePoint or an enterprise search engine such as Recomind, makes a good search even better by enhancing the content of those search results with West km's proprietary and legal specific KeyCite®, KeySearch® and data extraction technologies.



The screenshot shows a SharePoint search results page titled "ouRSpace". The search query is "motion for summary judgement". The results list shows the top result as a "MOTION FOR SUMMARY JUDGEMENT" document, which is noted as being weighted ("km") and has a "km" moniker next to it. The document details include Document # 34089392 v.1, Authored by Nelson Crispo DEPARTED on June 26, 1999, Edited by Harry Cole DEPARTED on December 15, 1999, Client 352983, Matter 00010, and Document Type Other Correspondence. The document content snippet discusses a motion for summary judgment and its relation to Rule 56 of the Federal Rules of Civil Procedure.

West km results inside a Recomind search in Reed Smith's ouRSpace portal are weighted to appear first and are noted with a "km" moniker.

The screenshot shows the Reed Smith ouRSpace portal interface. At the top, there's a weather update (Thu, 8:24am, 06-Aug, Light Rain, 66°F (19°C)) and a navigation bar with links like Home, Firm, Practice, Office, Admin, Clients, Directory, Outlook, Word, Commerce, DTE, eMagic, Expenses, Docs, Links, and Site Actions. A search bar at the top right contains the query "motion for summary judgement". Below the header, a banner for "ouRSpace | DigitalFile | Lawyer Experience | Matters" is visible.

The main content area displays a search result for "11,248 Results". The results are sorted by relevance and modified date, with an option to sort by creation date. The first result is a "MOTION FOR SUMMARY JUDGEMENT" document. It includes details such as Document # 3408992 v.1, Authored by Nelson Crisp DEPARTED on June 26, 1999, Edited by Harry Cole DEPARTED on December 15, 1999, Client 352903, Matter 00010, and Document Type Other Correspondence. The document text is partially visible, mentioning "DocX97 1. F 06/21/99 ... INC., NOTICE OF MOTION & MOTION FOR SUMMARY JUDGEMENT ... INC., ET. AL. 2. F 06/21/99 DECLARATION OF ... IN SUPPORT OF PLAINTIFF, INC., ... MOTION .... SUPPORT OF ... INC., ... MOTION FOR SUMMARY JUDGEMENT... ERRATA RE: ..., INC. LOWELL & PENNY DREYFUS' MOTION FOR SUMMARY JUDGEMENT... CONTINUANCE OF HEARING ON MOTION FOR SUMMARY JUDGEMENT AND STATUS CONFERENCE... OF Y. L. SHEN IN SUPPORT OF MOTION FOR SUMMARY JUDGEMENT".

On the left, a "Search Criteria" sidebar lists filters like KM KeySearch Topic, KM Citation, Author, Practice Group, Client, Matter, Author Office, Editor, Library, and Document Type. A "Search within Search" section allows users to refine their search. A "Filter Results" sidebar provides additional facets for filtering results. The bottom of the page has a "Done" button and a "Trusted sites" link.

With its next release of ouRSpace, Reed Smith will add West km's extracted metadata fields (jurisdictions, courts and judges) as additional facets to further filter, or pivot, results.

For example, when users of Reed Smith's ouRSpace portal conduct a search employing the Google™-like box, West km results appear first because they are weighted more heavily than other documents that aren't part of West km. Those West km hits are noted with the "km" moniker.

"The integration of West km contextual enhancements into the already powerful search functions, as illustrated by the list of citations in the faceted areas (on the left of the screen) allows our attorneys to fine-tune their searches by specific criteria," Tom explained. "West km's unsurpassed expertise in citations makes this an invaluable element of the search."

In addition to providing citations as filters, additional West km fields, including extracted metadata fields can be incorporated into the Filter Results pane.

Within a search result document itself, an attorney is presented with three decision points at which he or she can decide to further research. Users are presented with

real-time citation validation. They can also link directly into the actual case, statute or regulation on Westlaw or into the history to learn more about why a case is marked as distinguished or a regulation repealed. The km monikers in the result document link to other firm documents that cite each referenced case, statute or regulation making each search result document a continuum of legal research threads.

KeySearch Topics also provide users with "like documents" that have been classified to the issue being searched by West km's patented classification technology even though those documents may not contain the actual search terms entered by the user.

"Each of these content enhancements within the search results allows our attorneys and staff to conduct more granular, focused searches employing West km's technologies," Tom explained. "The full integration with Recomind truly provides an enhanced experience for our users, from improved document display, to filtering, citations, linking, search term highlighting and more."

## ONE-STOP SEARCHING

Reed Smith's new knowledge management system has been a tremendous success with staff who find it provides the right content completely in context, ensuring they do not have to spend time sifting through irrelevant information. Instead, they now have a system that will do the "legwork" for them.

"Search is a critical function on a portal," Tom added, "and with ouRSpace, we didn't want users to have to go to different places to use West km or Recomind. ouRSpace is now the search scope for searching any of the content on the portal. In fact, it is the default home page on everyone's Internet Explorer® browser."

With the ouRSpace portal solution now fully implemented, Reed Smith lawyers and staff have already been finding the new system extremely easy to use.

"We've been tracking utilization of this tool, and we are getting thousands of searches a day," Tom said, obviously pleased with the results. And when you look at the searches people run, oftentimes the first results they see are documents from West km. So, we are seeing a considerable uptick in terms of usage of metadata and content West km is generating on our work product. We are getting a much higher level of access and use than we ever had before."

<p>283, 285-86 (8th Cir. 1979)</p> <ul style="list-style-type: none"> <li>• Omaha Paper Stock Co., Inc. v. Harbor Ins. Co., 445 F.Supp. 179 (D.Neb. 1979)</li> <li>• 445 F.Supp. at 187</li> <li>• Hampton Foods, Inc. v. Aetna Cas. &amp; Sur. Co., 843 F.2d 1140, 1143 (9th Cir. 1990)</li> <li>• 843 F.2d at 1184</li> <li>• 843 F.2d at 355</li> <li>• United Land Investors, Inc. v. Insurance Co. of Am., 476 So.2d 432 (La.App.Ct. 1985)</li> <li>• A&amp;S Corp. v. Centennial Ins. Co., 242 F.Supp. 584 (N.D.Ill. 1965)</li> <li>• 949 F.2d at 693</li> </ul> <p><b>KM KeySearch Topic</b></p> <ul style="list-style-type: none"> <li>• Insurance  Liability Coverage  Business Pursuits Exclusions</li> <li>• Insurance  Motor Vehicle Insurance  Business Use</li> <li>• Insurance  Property Coverage  Amount of Coverage</li> <li>• Insurance  Property Coverage  Business Interruption</li> <li>• Insurance  Property Coverage  Causation</li> </ul> <p>HIPAA No:</p>	<p>few days. USE&amp;G's position defies both logic and the facts and also violates the terms and conditions of its own policy of insurance.<sup>3</sup></p> <p><b>II. Summary Judgment Standard</b></p> <p>Summary judgment is proper if the "pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." ▶ Fed. R. Civ. P. 56(c) [¶]; <i>accord</i> ▶ Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986) [¶]; ▶ Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986) [¶].</p> <p>The party seeking summary judgment bears the initial burden "of informing the district court of the basis for its motion" and identifying the matters that "it believes demonstrate the absence of a genuine issue of material fact." ▶ Celotex, 477 U.S. at 323 [¶]. The Supreme Court has held that "[b]y its very terms, this standard provides that the mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no genuine issue of material fact." ▶ Anderson, 477 U.S. at 247-48 [¶]. Thus, not all factual disputes are fatal to a summary judgment motion – "only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment." ▶ Anderson, 477 U.S. at 248 [¶].</p> <p>If the moving party meets its initial burden, then the burden shifts to the non-moving party to present evidence demonstrating the existence of a genuine issue of material fact requiring a trial. ▶ Celotex, 477 U.S. at 322-23 [¶]. The evidence offered in opposition to a motion for summary judgment must be more than merely colorable and must be significantly probative or summary judgment will be granted. ▶ Anderson, 477 U.S. at 249-50 [¶].</p> <p>One of the principal purposes of the summary judgment rule is to isolate and dispose of factually unsupported claims or defenses, and ▶ Rule 56 [¶] should be interpreted in a way that allows it to accomplish this purpose. <i>Celotex</i>, 477 U.S. at 323-24 [¶]. "Summary judgment... is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole, which are designed 'to secure the just, speedy and inexpensive determination of every action.'" ▶ Id. at 327 [¶] (quoting ▶ Fed. R. Civ. P. 1 [¶]).</p> <p><b>III. Pennsylvania Law of Insurance Policy Construction</b></p> <p>Pennsylvania law, under which this insurance policy must be interpreted, provides several well-settled principles governing the interpretation of insurance policies. As a threshold matter, "the task of interpreting a contract is generally performed by a court, rather than a jury. The goal of that task is, of course, to ascertain the intent of the parties as manifested by the language of the written instrument." ▶ <i>Standard Venetian Blind Co. v. Am. Empire Co.</i>, 503 Pa. 300, 409 A.2d 563, 566 (Pa. 1983) [¶] (citations omitted). Where an insurance policy provision is ambiguous, it is to "be construed against the insurer and in favor of the insured..." ▶ <i>McMillan</i>, 922 F.2d at 1973 [¶]; ▶ <i>State Farm Fire &amp; Cas. Co. v. McDonald</i>, 2004 Pa. [¶].</p>	<p>The new West km 4 enhances Recomind search results by enabling users to mine key data directly from document text.</p> <p>KeySearch Topics suggest "like documents"</p> <ul style="list-style-type: none"> <li>• Citations are validated in real-time using KeyCite</li> <li>• Case linked to Westlaw</li> <li>• KM symbol indicates firm's documents that cite this case, statute or regulation</li> </ul>
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Done:

Trusted sites

100%

## THE PAYOFF AT ANY SIZE

Regardless of firm size, all firms are now more than ever being pressed to react to market pressures requiring them to be more efficient, and oftentimes that means a technology solution. While the Reed Smith portal integration is an advanced application, other simpler and still very powerful portal integration capabilities exist within West km for firms of all sizes.

"No firm can afford to continue to operate in a business-as-usual mentality and expect to be successful going forward," Tom remarked. "The reality is, many of the changes our clients are instituting are not going to go away once the economy gets better. We are very confident changes resulting from client requests will be here forever; our firm, like many others, is trying to get its arms around how to be efficient and provide what the clients want while ensuring we are able to maintain the financial metrics we need to be successful."

Whether looking at a fixed deal or billable hours, the best way to increase productivity and profitability is to spend less time getting the same result to the client. Knowledge management technologies play a significant role in those efficiencies for Reed Smith. To that end, Tom spends a good deal of time in conversations with firm partners and associates to determine how the tools can be leveraged to save time and still provide the same end product to meet high quality standards clients demand.

"Our attorneys should never have to start work for a client with a blank piece of paper," he said. "They should be able to depend on accessing a KM system that allows them to search the firm's work product, saving time and money for the client and the firm. Technology is certainly an enabler and it supports our law firm in maintaining or even increasing profitability in this way. The biggest payoff with ouRSspace is the single, simple access point that facilitates greatly increased use of underlying tools developed specifically to create the efficiencies we are targeting."

## JUST GETTING STARTED

The work doesn't stop now, though. It's only just begun, according to Tom. The ongoing success of the Reed Smith ouRSspace portal will depend on the staff actually using it and providing feedback. Changes can and have been made already based on user input.

"Everyone sees something different on their portal," Tom explained, "so if you think about the various permutations the portal can take, and understand you can target certain features for certain groups, the development path is infinite because you are always going to be getting feedback. We also have plans for additional data sources as we continually strive to manage our knowledge in the best way possible."

According to Tom, because the portal is so dynamic, there needs to be an understanding from the start by the senior management or partners that what launches is version 1 of version N, because the portal will never stop evolving, and shouldn't be expected to. In the case of ouRSpace, for example, Reed Smith plans over time to make some of the content more transparent for clients. "It's an increasing request from clients and an opportunity to continuously reinvent ourselves based on client needs."

## TECHNOLOGY AND THE PITCH

As clients look at the convergence of the number of firms they work with or perhaps entertain hiring a new firm, there are a number of factors that contribute to a firm's selection. Obviously, relationship is always going to be first and foremost. But in today's environment, clients are also looking for firms to provide very real, tangible solutions to core problems. They want to see for themselves what firms are doing to make them more valuable. When Reed Smith is asked to demonstrate those capabilities, they have to point no further than their ouRSpace portal.

"Corporations of all sizes are implementing the Six Sigma initiative," Tom commented, referring to the business management strategy for process improvement. "In fact, a client I visited recently was in the middle of this process and was very interested in the types of repeatable processes our firm had in place. More and more clients want to see these similar concepts at play at the firms they work with. If you can demonstrate your firm has the tools to help ensure a repeatable, consistent process or project management methodology, you are going to be seen in a preferred light."

"As Six Sigma becomes more 'front line' in the culture of clients, clients are going to want to see similar concepts at play at the firms they work with," he added.

Just as the clients' awareness of these tools is increasing, so, too, is the awareness growing inside the firm. Partners across Reed Smith are developing a growing recognition of the value-add the discussion of technology solutions can make in their pitches. Tom sees a greater comfort among firm partners who are willing to bring the topic to the table, emphasizing the solutions' cost- and time-savings benefits and raising the awareness of this differentiator for the client.

With a robust work product enhanced by West km and searchable with Recomind as the foundation of its KM system, Reed Smith is confident it has significantly reduced the time and effort it takes to locate data required to provide clients with the highest possible standard of service. With such tools in place, the attorneys can dedicate even more time to activities that improve client satisfaction and service, as well as the firm's competitive edge.

For more information visit [west.thomson.com/westkm](http://west.thomson.com/westkm)  
or contact your West representative.

## **EXHIBIT 5**

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## *News Release*

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**For Immediate Release**

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### **International Law Firm Keesal, Young & Logan Chooses West km for Knowledge Management**

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**LOS ANGELES and EAGAN, Minn., October 1, 2003** – Thomson Elite and West, both businesses within The Thomson Corporation (TSX: TOC; NYSE: TOC), today announced that the international law firm Keesal, Young & Logan plans to integrate West km™ into its legal practice. West km is the innovative knowledge management service that enables legal professionals to be more efficient in serving their clients' needs by allowing attorneys to easily update, access and use intellectual assets from across the firm.

Knowledge management is a strategic and competitive necessity for today's law firms and corporate legal departments. The ability to save time by referencing past work products can be a critical competitive advantage. West km delivers unprecedented productivity gains to legal professionals, enabling them to provide more effective legal counsel and service to their clients.

"When we first presented the concept of West km to the attorneys in our firm their faces lit up," said Justin Hectus, Director of Information at Keesal, Young and Logan. "They immediately realized it would be of significant value to their practice. West km will

enhance our ability to leverage existing firm work product, and the increased efficiencies will directly benefit our clients.”

### **How does West km work?**

West km is a knowledge management solution designed to meet the unique needs of lawyers. The service integrates a legal organization’s information archive with Westlaw, the legal industry’s premier online legal research service, and provides a full suite of knowledge management features, including search and retrieval using specialized taxonomies, free text and fielded metadata, or any combination of the three. This allows lawyers to work with a single, familiar interface to find authoritative legal information resources, while at the same time searching private documents such as briefs, opinion letters and memoranda.

But West km does something no other knowledge management-related service can. West km automates the process of classifying legal documents to an established and widely used index – the West Key Number System®. This integrates a firm’s document collection with the universe of authoritative primary and secondary legal information resources, and facilitates unmatched accuracy and relevance of search results. West km also finds the relationships between documents and creates unique links from citations within firm documents to other firm documents, case law, statutes and regulations using KeyCite®, the industry’s most powerful and innovative citation-checking service. Integration with KeyCite also helps keep a law firm’s knowledge assets current by embedding easy-to-understand flags and symbols, which immediately identify whether any of the cases or statutes that were cited have been discussed, reversed or overruled.

Since its launch just one year ago, West km has been adopted by more than 75 of the world’s leading legal organizations, including law firms, corporate legal departments and government agencies. For more information, visit [west.thomson.com/westkm](http://west.thomson.com/westkm).

### **About Keesal, Young & Logan**

Keesal, Young & Logan is a full service law firm representing businesses throughout the United States, Europe and Asia, with offices in Los Angeles/Long Beach, San Francisco, Seattle, Anchorage and Hong Kong. For more information, visit Keesal, Young, and Logan on the Web at [www.kyl.com](http://www.kyl.com).

### **About Thomson Elite**

Thomson Elite is a leading provider of integrated practice and financial management systems for professional service firms worldwide. Thomson Elite is a business within The Thomson Corporation (TSX: TOC; NYSE: TOC) and is a premier provider of financial and practice management systems to the legal industry and to other professional service markets, including accounting, engineering, marketing services, and management and IT consulting. For more information, visit [www.elite.com](http://www.elite.com).

### **About West**

Headquartered in Eagan, Minn., West is the foremost provider of integrated information solutions to the U.S. legal market. West is a business within The Thomson Corporation (TSX: TOC; NYSE: TOC) and was formed when West Publishing and Thomson Legal Publishing merged in June 1996. For more information, please visit the West Web site at [west.thomson.com](http://west.thomson.com).

### **About The Thomson Corporation**

The Thomson Corporation (<http://www.thomson.com>), with 2002 revenues of \$7.8 billion, is a global leader in providing integrated information solutions to business and professional customers. Thomson provides value-added information, software applications and tools to more than 20 million users in the fields of law, tax, accounting, financial services, higher education, reference information, corporate training and assessment, scientific research and healthcare. The corporate common shares are listed on the Toronto and New York stock exchanges (TSX: TOC; NYSE: TOC).

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## **EXHIBIT 6**



ELLIOT H. SCHERKER  
Chairman of the Appellate Practice Group

Elliott Scherker is a shareholder at Greenberg Traurig, a firm of 900 attorneys with 26 offices around the country and Europe. Mr. Scherker is based in Miami and has more than 25 years' experience as an appellate lawyer. He is a member of the American Academy of Appellate Lawyers and is listed in Best Lawyers in America.

#### DO YOU SEE KNOWLEDGE MANAGEMENT AS A COMPETITIVE NECESSITY TODAY?

There are so many legal knowledge management systems available today that it's important to understand what makes West km unique. West km is a knowledge management system that is specifically designed for law firms. It is built on a foundation of over 100 years of legal publishing experience. West km is a comprehensive system that includes document management, case tracking, and reporting. It is also a system that is easy to use and integrates with other legal software.

#### WHAT'S THE IMPACT OF WEST KM™ VERSUS OTHER KNOWLEDGE MANAGEMENT TOOLS?

The impact of West km versus other knowledge management tools is significant. West km is a system that is specifically designed for law firms. It is built on a foundation of over 100 years of legal publishing experience. West km is a comprehensive system that includes document management, case tracking, and reporting. It is also a system that is easy to use and integrates with other legal software.

What was your reaction when you first heard about the capabilities of West km?

It was very impressive to learn about the capabilities of West km.

#### CAN YOU CITE ANY EXAMPLES OF HOW WEST KM HAS MADE A DIFFERENCE?

One example of how West km has made a difference is in the area of document management. West km allows law firms to store and manage their documents in a central location. This makes it easier for lawyers to access the information they need when they need it. Another example is in the area of case tracking. West km allows law firms to track the progress of their cases from start to finish. This helps lawyers stay on top of their cases and make sure they are meeting their clients' needs.

#### HOW IMPORTANT IS THE KEYCITE™ FUNCTIONALITY TO YOU AND TO THE PRODUCT?

KeyCite is a feature of West km that is very important to me. It allows me to quickly and easily search for relevant cases and statutes. This saves me a lot of time and helps me stay up-to-date on the latest legal developments. It also helps me to provide better legal advice to my clients.

#### DO YOU FEEL THAT WEST KM PROVIDES A TANGIBLE RETURN ON INVESTMENT TO THE ORGANIZATION?

I believe that West km provides a tangible return on investment to the organization. West km is a system that is specifically designed for law firms. It is built on a foundation of over 100 years of legal publishing experience. West km is a comprehensive system that includes document management, case tracking, and reporting. It is also a system that is easy to use and integrates with other legal software.

What do you think West km will accomplish in terms of knowledge sharing within the organization?

I believe that West km will help to facilitate knowledge sharing within the organization. It will allow lawyers to easily share information and collaborate on cases. This will help to improve the quality of legal work and ensure that all lawyers have access to the same information.

#### IS THE SYSTEM EASY TO USE?

West km is a user-friendly system. It is designed to be easy to use and intuitive. The interface is clean and straightforward, making it easy for lawyers to navigate and find the information they need.

#### WHY CHOOSE WEST KM VERSUS ANY OTHER PRODUCTS THAT ARE AVAILABLE IN THE MARKETPLACE?

There are many legal knowledge management systems available today, but West km stands out because it is specifically designed for law firms. It is built on a foundation of over 100 years of legal publishing experience. West km is a comprehensive system that includes document management, case tracking, and reporting. It is also a system that is easy to use and integrates with other legal software.

The impact of West km versus other knowledge management tools is significant. West km is a system that is specifically designed for law firms. It is built on a foundation of over 100 years of legal publishing experience. West km is a comprehensive system that includes document management, case tracking, and reporting. It is also a system that is easy to use and integrates with other legal software.

West km™